

for the relief of the heirs and assigns of Wm. Stephens, deceased." The question being, Shall the vote refusing to pass the bill be reconsidered? pending which, on motion of Senator Latimer, the Senate adjourned to 10 o'clock A. M. to-morrow.

SENATE CHAMBER,  
AUSTIN, TEXAS, April 19, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

Senator Shelley, chairman of the Committee on Finance, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred House bill No. 708, to be entitled "An act to authorize the County Court of Refugio county to levy a tax to build a court house and jail at the county seat," have carefully considered the same, and I am instructed to report it back with the accompanying amendment, and as amended recommend its passage.

Amend by inserting after the word "annually" the words "for the years 1873, 1874 and 1875."

N. G. SHELLEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred House bill No. 446, to be entitled "An act to authorize the Police Court of Burnet county to issue coupon interest-bearing bonds for the building of a court house for said county, and to levy a tax for the same," have carefully considered the bill, and I am instructed to report it back and recommend that it do pass.

N. G. SHELLEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred House bill No. 382, to be entitled, "An act to repeal an act to legalize an ordinance adopted on the twelfth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad in Falls and McLennan counties, approved June 18, 1870," have care-

fully considered the bill, and I am instructed to report the same back with the recommendation that it do pass.

N. G. SHELLEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred House bill No 588, to be entitled "An act to authorize the Police Court of Jasper county to levy and have collected a special tax for the purpose of building a jail in said county," having considered the same, I am instructed to report the bill back with the recommendation that it do pass.

N. G. SHELLEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred Senate bill No. 256, to be entitled "An act to authorize the County Court of Lampasas county to levy a special tax," have carefully considered the same, and I am instructed to report it back with the accompanying substitute, and recommend the adoption and passage of the substitute.

N. G. SHELLEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred House bill No. 123, to be entitled "An act to provide for the prompt settlement of accounts by sheriffs with the State and counties," have carefully considered the same, and instruct me to report it back, with the accompanying amendments, and as amended recommend that it do pass.

In line eight strike out all after the word "thereof" down to and including the word "hands," in eleventh line.

In section two, strike out all after the word "fail," in line one, down to and including the words "or fails," at the end of third line.

Strike out all of section three.

N. G. SHELLEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred House bill No. 473, to be entitled "An act to authorize the County Court of Bell county to issue interest-bearing bonds, have carefully considered the same, and I am instructed to report it back with the recommendation that it do pass.

N. G. SHELLEY, Chairman.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following reports :

*Hon. E. B. Pickett, President of the Senate :*

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 419, entitled "An act to amend section one of an act concerning private corporations, approved December 2, 1871," having at a former meeting recommended the passage of a bill embracing the same subject matter, ask leave to report the same back to the Senate and recommend its indefinite postponement.

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate :*

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 229, entitled "An act to amend article one hundred and fifty-seven of an act regulating attachments, approved January 16, 1850," ask leave to report it back to the Senate and recommend that it do not pass.

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate :*

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 711, entitled "An act to amend the thirty-sixth section of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," instruct me to report it back and recommend its passage with the accompanying amendments.

Amend section one, line seven, by striking out the words "of any correcter."

Same section, line nine, by striking out the word "specific."

JOHN L. HENRY, Chairman.

Senator Latimer, chairman of the Committee on Roads, Bridges and Ferries, submitted the following report:

*Hon. E. B. Pickett, President of the Senate :*

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 272, "An act to authorize Mrs. L. A. Davenport to keep and run a ferry boat and erect a toll bridge over the Lake Fork of Sabine river, in Wood county," have had the same under consideration, and I am instructed to report it back to the Senate and recommend its passage.

H. R. LATIMER, Chairman.

Senator Cole, chairman of the Committee on Private Land Claims, submitted the following reports :

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 421, to be entitled "An act for the relief of the heirs of James N. Shell, deceased," instruct me to report it back with the recommendation that it do pass.

D. W. COLE, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 575, to be entitled "An act for the relief of the estate of John T. Storey," having considered the same, instruct me to report it back and recommend its passage.

D. W. COLE, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 420, "A bill for the relief of the heirs of Wm. Garnett, deceased," having had the same under consideration, instruct me to report it back with the recommendation that it do pass.

D. W. COLE, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 305, to be entitled "An act authorizing and requiring the Commissioner of the General Land Office to issue certain land certificates therein named," having considered the same, instruct me to report it back and recommend its passage.

D. W. COLE, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, to whom was referred Senate bill No. 240, to be entitled "An act for the relief of the heirs of P. H. Coe, deceased," having considered the same, instruct me to report it back and recommend its passage.

D. W. COLE, Chairman.

Senator Latimer, chairman of Committee on Enrolled Bills, reported as follows:

*Hon. E. B. Pickett, President of the Senate:*

SIR: I beg leave to report to you that I did on yesterday at twelve o'clock present to his Excellency the Governor, for his approval and signature, Senate bill No. 74, "An act to incorporate the city of Lampasas, in the county of Lampasas," and Senate bill No. 272, "An act

for the relief of Stephen F. Minton, requiring the Commissioner of the General Land Office to issue certain land certificates to him."

H. R. LATIMER, Chairman.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following Senate bills:

Senate bill No. 243, "An act for the relief of S. B. Buckley, late Assistant State Geologist."

Senate bill No. 144, "An act to incorporate the Real Estate, Building and Savings Association of Dallas, Texas."

HENRY C. KING, Chairman.

Senator Shelley, chairman of the select committee, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your select committee to whom was referred the communication from the House of Representatives through its committee, informing the Senate that the House of Representatives had impeached John G. Scott, Judge of the Tenth Judicial District of the State of Texas, of high crimes and misdemeanors, and would, in due time, exhibit particular articles of impeachment against him and make good the same, and likewise demanding that the Senate take order for the appearance of the said John G. Scott to answer said impeachment; and to whom also were referred the resolutions offered by the Senator from El Paso, relating to said impeachment, having considered the same, herewith return said resolutions to the Senate, amended by striking out "to-morrow" and inserting "this day," and recommend their adoption.

Your committee further report the accompanying rules of procedure and practice for the guidance of the Senate while sitting as a high court of impeachment, and recommend their adoption.

N. G. SHELLEY.

A. J. FOUNTAIN.

GEO. P. FINLAY.

*Resolved*, That at 12 o'clock this day the Senate will resolve itself into a court of impeachment, at which time the following oath or affirmation shall be administered by

the secretary to the President of the Senate, and by him to each member of the Senate, to-wit: "I solemnly swear (or affirm, as the case may be), that in all things appertaining to the trial of the impeachment of J. G. Scott, Judge of the Tenth Judicial District, I will do impartial justice, according to law," which court of impeachment, being thus formed, will, at the time aforesaid, receive the managers appointed by the House of Representatives to exhibit articles of impeachment in the name of themselves, and of all the people of the State of Texas, against J. G. Scott, Judge of the Tenth Judicial District, pursuant to notice given this day by the House of Representatives.

*Resolved*, That after the managers of the impeachment shall be introduced to the bar of the Senate, and shall signify that they are ready to exhibit articles of impeachment against John G. Scott, the President of the Senate shall direct the sergeant-at-arms to make proclamation, who shall, after making proclamation, repeat the following words: "All persons are commanded to keep silence, on pain of imprisonment, while the grand inquest of the State is exhibiting to the Senate of the State of Texas articles of impeachment against John G. Scott, Judge of the Tenth Judicial District," after which the articles shall be exhibited, and then the President of the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

On motion of Senator Fountain, the rules reported by the committee were adopted, one hundred copies ordered printed, and the secretary of the Senate instructed to inform the House of the action of the Senate in the premises.

Senator Finlay, chairman of the special committee, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your select committee to whom was referred Senate bill No. 212, to be entitled "An act making a new apportionment of the representative and senatorial districts of the State of Texas," have carefully considered the same, and ask leave to report back to the Senate the accompanying substitute, with the recommendation that it do pass.

GEO. P. FINLAY, Chairman.

On motion of Senator Dohoney, the rules were suspended to consider the report.

Senator Dohoney then moved to adopt the substitute recommended by the committee.

Substitute adopted.

Senator Avinger proposed to amend the bill as follows: In section seven, line five, strike out "Marion" and insert "Cass." Adopted.

Senator Dohoney proposed to amend as follows:

Amend sections eight and ten by striking out of the eighth section the word "Delta," and insert "Delta" in the tenth section, line two, after the word "Wood."

Adopted.

Senator Hall proposed to amend by striking out "two" and inserting "three" in section fifteen, line four, and add "Madison" after "Grimes" in line two. Adopted.

Senator Hall proposed to amend section eighteen by striking out "Madison," in line two, and the word "three," in line four, and insert the word "two" in lieu thereof. Adopted.

Senator Finlay proposed to amend as follows: Amend sections one and fourteen by striking out of fourteenth section the word "Chambers," in line two, after the word "Montgomery," and insert "Chambers" in section one, line two, after the word "Polk." Adopted.

The bill as amended was then ordered engrossed.

On motion of Senator Shelley the rules were suspended, the bill read third time and passed.

On motion of Senator Flanagan, Senator Rawson was granted leave of absence for eight days from next Monday.

Senator Avinger introduced a bill to be entitled "An act to incorporate the Hebrew Sinai Congregation of Jefferson, Texas." Read first time and referred to Committee on State Affairs.

Senator Broughton introduced a bill entitled "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction thereof." Read first time and referred to Committee on Internal Improvements.

Senator King introduced a bill entitled "An act to authorize the State Treasurer to pay certificate No. 2886, second class, of the public debt of the Republic of Texas, and making an appropriation therefor." Read first time and referred to Committee on Claims and Accounts.

Also, a bill entitled "An act to authorize the County Court

of Llano county to levy a special tax to build a court house and jail." Read first time, and referred to Judiciary Committee No. 1.

Senator Swift introduced a joint resolution for the relief of the heirs of Mrs. Christiana Gurling. Read first time, and referred to the Committee on Private Land Claims.

The following bills were taken from the President's desk, read first time, and referred to the committees indicated:

House bill No. 722, "An act to create and provide for the organization of the county of Dillard." Committee on Counties and County Boundaries.

House bill No. 536, "An act to change and define the boundary lines of Trinity county, and to provide for the further organization of the same." Committee on Counties and County Boundaries.

House bill No. 522, "An act to prohibit the sale of intoxicating liquors within four miles of Bosqueville Male and Female College, situated at Bosqueville, in McLennan county." Committee on State Affairs.

House bill No. 538, "An act to establish and organize the county of Neches." Committee on Counties and County Boundaries.

House bill No. 671, "An act to incorporate the Mechanic's Real Estate and Savings Association of Dallas." Committee on State Affairs.

House bill No. 306, "An act to exempt certain property therein named from forced sale." Judiciary Committee No. 1.

House bill No. 392, "An act to incorporate the Garden Valley Seminary in Smith county, Texas." Committee on State Affairs.

House bill No. —, "An act to prohibit the sale of intoxicating liquors within three miles of Roxton Chapel and Seminary, in Lamar county." Committee on State Affairs.

House bill No. 391, "An act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county, Texas." Committee on State Affairs.

House joint resolution No. 729, "For the relief of Rufus A. Upton, late sheriff of Refugio county." Committee on Claims and Accounts.

On motion of Senator Ruby, the rules were suspended

to take up House bill No. 150, "An act amendatory of and supplemental to an act to incorporate the Home Insurance and Trust Company of Texas, approved December 1, 1851." The bill was read second time and passed to third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Henry, King, Latimer, Pyle, Rawson, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy, Word and Mr. President—27.

A message was received from the House informing the Senate that the House had appointed Messrs. Rainey, Mills, and Kemble a committee on the part of the House to meet a like committee on the part of the Senate on the disagreement between the two houses on House bill No. 340, "An act to ascertain the amount due teachers of public free schools of the State of Texas prior to March 1, 1873, and to provide for the payment of the same."

Unfinished business, viz., House bill No. 72, "An act to amend an act amendatory of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved May 8, 1871," was taken up.

Senator Ruby moved to postpone the consideration of the bill until next Thursday.

Senator Ruby then moved a call of the Senate. Call sustained.

Absent—Senators Baker, Cole, Broughton, Flanagan and Randle.

On motion of Senator Swift, the rules were suspended to take up Senate bill No. 208, "An act to appoint an agent to take charge of property bequeathed to the State of Texas for certain purposes by Oscar L. Holmes, and to carry into effect said bequest." The bill was read second time, amended and ordered engrossed; rules suspended, read third time and passed.

Senate joint resolution No. 32, instructing our Senators and requesting our Representatives in Congress to endeavor to secure the improvement of the harbor at Galveston, was taken up. The resolution was read second time and ordered engrossed.

On motion of Senator Flanagan the Senate took a recess for five minutes.

Recess expired. Senate met. Roll called: quorum present.

The hour having arrived, the Senate resolved itself into a High Court of Impeachment to try John G. Scott, Judge of the Tenth Judicial District of the State of Texas.

### *High Court of Impeachment.*

The Senate having resolved itself into a High Court of Impeachment, the secretary administered to the President the oath prescribed by the resolution adopted by the Senate this day, and the President then administered the same to the following Senators: Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Henry, King, Latimer, Pyle, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word.

*Ordered*, That the secretary inform the House of Representatives that the Senate has resolved itself into a High Court of Impeachment and is now ready to receive the managers appointed by the House to exhibit articles of impeachment against John G. Scott, Judge of the Tenth Judicial District of the State of Texas.

The managers appointed by the House of Representatives, to-wit, Messrs. Payne, Sayers and Sabin, appeared within the bar of the Senate and announced that they were instructed by the House of Representatives to exhibit certain articles of impeachment against John G. Scott, Judge of the Tenth Judicial District of the State of Texas.

The sergeant-at-arms then made proclamation, as required by the rules, when the following articles were read and submitted to the court by the managers aforesaid:

*Articles exhibited by the House of Representatives of the State of Texas, in the name of themselves and all the people of the State of Texas, against John G. Scott, District Judge of the Tenth Judicial District in the State of Texas, as maintenance and support of their impeachment against him for high crimes and misdemeanors in office.*

#### ARTICLE I.

That the said John G. Scott, Judge of the Tenth Judi-

cial District in the State of Texas, in the years of our Lord one thousand eight hundred and seventy, one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two, has, at various and divers times, on the bench, while acting as such judge, and while off the bench, yet holding the said office of judge, been corruptly guilty of such acts, and has so tyrannically and oppressively demeaned himself as such judge, in term time and out of term time, that it has become and is the general opinion among the people of said Tenth Judicial District that the administration of the criminal laws of the State of Texas in said Tenth Judicial District, under the administration of the said John G. Scott as judge, has become and is notoriously corrupt; and further, that under the administration of the said John G. Scott, judge as aforesaid, during the years aforesaid, in the said Tenth Judicial District, in the State of Texas, it became and is the general opinion of the people in the said Tenth Judicial District that every crime had its price, and that he who had money could evade or escape punishment, no matter how guilty of violations of the criminal laws, and whether such violations were misdemeanors or felonies, provided such violator of the law would make terms with the said John G. Scott, judge as aforesaid, and one Thomas D. Evans, who was district attorney of said judicial district from August, in the year of our Lord one thousand eight hundred and seventy, until December, in the year of our Lord one thousand eight hundred and seventy-two; and that the administration of the criminal law of the State of Texas in said Tenth Judicial District, under the administration of the said John G. Scott, judge as aforesaid, did become and was, and now is, notoriously corrupt, rendering life and rights insecure, and breaking down the confidence and trust of the people in the protection of the law, and the fair and impartial administration of the law.

Whereby, and in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in the manner and in the years aforesaid, did commit and was guilty of a high misdemeanor in office, and did thereby render himself no longer fit to exercise the duties of a district judge under the laws and Constitution of the State of Texas.

## ARTICLE II.

That the said John G. Scott, judge as aforesaid, at the December term, in the year of our Lord one thousand eight hundred and seventy, of the District Court of Anderson county, without authority of law and corruptly, with the intent to favor and shield from indictment G. D. Kelley, then sheriff of Anderson county, and J. H. Morrison, county treasurer of said county of Anderson, for crimes and misdemeanors committed by them in their respective offices aforesaid, did dismiss the *venire* for grand jurors which had been regularly and lawfully issued, returnable to said December term of the court, and the men named on said *venire* had been lawfully and regularly summoned to appear, and a quorum of whom had appeared, and did then and there corruptly order the said G. D. Kelley, sheriff, he being a half-brother of the said J. H. Morrison, county treasurer, to summon talesmen from the bystanders to form and constitute the grand jury for the said December term, in the year of our Lord one thousand eight hundred and seventy, of the District Court of Anderson county, which said order the said Kelley then and there obeyed, summoning among others the said J. H. Morrison to act as one of the said grand jury; and that the said John G. Scott, judge as aforesaid, then and there corruptly appointed the said J. H. Morrison foreman of said grand jury, with the intent to corruptly and unlawfully favor the said G. D. Kelley and J. H. Morrison, well knowing at the time that he dismissed the said regular *venire* of grand jurors, and when ordering the summoning of talesmen to serve as grand jurors, and when appointing said J. H. Morrison as foreman of the newly constituted grand jury, that grave charges were pending against the said G. D. Kelley and J. H. Morrison for crimes and misdemeanors in their said respective offices aforesaid, which said charges would naturally, properly and legally come before the grand jury at said December term, in the year of our Lord one thousand eight hundred and seventy, of the District Court of Anderson county, for investigation; that the action of the said Scott in the premises was corrupt, and taken with the intent to favor the said Kelley and Morrison, contrary to law and in violation of his official duty as a district judge in the State of Texas.

Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, in his capacity as District Judge of the Tenth Judicial District, in the State of Texas, did commit and was guilty of a high misdemeanor in office, and thereby did render himself no longer fit to exercise the duties of a district judge under the Constitution and laws of the State of Texas.

#### ARTICLE III.

That at and before the first Monday in the month of December, in the year of our Lord one thousand eight hundred and seventy, the said John G. Scott was the District Judge of the Tenth Judicial District, in the State of Texas, which said district embraced, and now embraces the county of Anderson, in said State; that at said time one G. D. Kelley was the sheriff of said Anderson county, and one J. H. Morrison was the county treasurer of said Anderson county; that at and before the said first Monday in December, in the year of our Lord one thousand eight hundred and seventy, which was the day on which the District Court for said county would convene, the said John G. Scott, as judge, was informed that it was the general opinion of the people of Anderson county, that the said G. D. Kelley, as sheriff, and the said J. H. Morrison, as county treasurer of said Anderson county, had each been guilty of crimes and misdemeanors in office, of such a character as to subject them to indictment by the grand jury of Anderson county at the said December term, in the year of our Lord one thousand eight hundred and seventy, of the court, and that witnesses would be sent before said grand jury to enable that body to investigate the facts touching the alleged crimes of the said Kelley and the said Morrison in their offices aforesaid; that the said jury did assemble at said December term of the District Court of Anderson county, and among other things did have under investigation the charges aforesaid against the said Kelley and the said Morrison, when the said John G. Scott, judge as aforesaid, did, in the county of Anderson, at the December term, in the year of our Lord one thousand eight hundred and seventy, unlawfully and corruptly enter the grand jury room while the grand jury was in

session, and did then and there unlawfully and corruptly, by his advice, directions and admonitions to said grand jury, prevent said grand jury from finding and returning into court true bills of indictment against the said G. D. Kelley and J. H. Morrison for crimes committed by them in their respective offices aforesaid, with the intent on the part of him, the said John G. Scott, in his capacity as judge as aforesaid, to unlawfully and corruptly favor the said G. D. Kelley and J. H. Morrison, shield them from indictment and lawful punishment, and to defeat the due administration of the criminal law in the county of Anderson, and State of Texas.

Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, did, in his capacity as judge aforesaid, commit and was guilty of a high misdemeanor in office, and did render himself no longer fit to exercise the duties of a judge of the district court in the State of Texas.

#### ARTICLE IV.

That the said John G. Scott, being Judge of the Tenth Judicial District in the State of Texas, in the county of Henderson, it being one of the counties composing the said Tenth Judicial District, at the Fall term of said court, in the year 1871, did, while on the bench, unlawfully and corruptly give countenance and support, in open court, to Thomas D. Evans, the then District Attorney of said Tenth Judicial District, in compromising felony cases for money, when money was not receivable in payment or satisfaction of punishment for such crime lawfully; and did then and there in the court house, in the town of Athens, in the county of Henderson, in open court, receive from the said Thomas D. Evans, district attorney as aforesaid, reports of money received by said Evans in open court in compromise of felony cases then pending in the District Court of Henderson county by good and sufficient indictment, found and returned by the grand jury of said county, to-wit: The State of Texas v. Andrew Bowles, for theft of cotton; The State of Texas v. Ashley Bowles, for theft of cotton; The State of Texas v. John P. Bowles, for theft of cotton; The State of Texas v. Josiah Bowles, for theft of cotton; The State of Texas v. Lewis

Blankarz, for theft of —; The State of Texas v. R. H. or Bud Gose, for theft of cotton; The State of Texas v. Henry Bowles, for false imprisonment; and did then and there corruptly dismiss each and all of said felony cases from the docket and further prosecution, contrary to law, well knowing that they had been corruptly and unlawfully compromised by the said district attorney, Thomas D. Evans, for money, and that he had received the compromise money in open court, on a table in the court room kept for the purpose of receiving money by said district attorney in cases compromised by him; and further, that in the compromise were included two cases of felony then pending in the District Court of Van Zandt county, viz., The State of Texas v. John P. Bowles, for horse stealing, and The State of Texas v. Josiah Bowles, for perjury, which said two cases were by the said Scott, as district judge, corruptly and unlawfully dismissed from the docket of the District Court of Van Zandt county under said compromise.

Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, did, in his capacity as judge aforesaid, commit and was guilty of high misdemeanor in office, and did render himself no longer fit to exercise the duties of a judge of the district court in the State of Texas.

#### ARTICLE V.

That the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, in the county of Kaufman, one of the counties of said district, in term time, and while court was in session, at the June term, in the year of our Lord one thousand eight hundred and seventy one, corruptly, unlawfully, oppressively, tyrannically, and with the intent to intimidate other jurors in attendance upon court, and compel them to conform their verdicts to his will, pleasure or caprice, thus to render the administration of justice uncertain, insecure and partial, did disfranchise as jurors a panel of petit jurors, viz., M. A. Morris and eleven others, discharging them in what he designed to be obloquy and disgrace, for returning a verdict of not guilty in favor of the defendant in the case of the State of Texas versus George Doggett, forbid-

ding at the time that they, either or any of them, should act as jurors at that term of the said court, or at any future term thereof for twelve months, when in truth and in fact the said panel of jurors had been guilty of no offense, no impropriety, no contempt, and no other matter, thing or act which authorized, justified or excused the said Scott in his capacity as judge, for the aforesaid corrupt, unlawful, oppressive, tyrannical action, taken with the intent to insult and oppress the jurors disfranchised, and intimidate other jurors then in attendance upon said court, and to compel them to conform their verdicts to his (the said Scott's) will, pleasure or caprice.

Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in the manner and form, and in the year aforesaid, did commit, and was guilty of a high misdemeanor in office, and did thereby render himself no longer fit to exercise the duties of a district judge under the laws and Constitution of the State of Texas.

#### ARTICLE VI.

That the said John G. Scott, Judge of the Tenth Judicial District in the State of Texas, at the April term, A. D. 1871, of the District Court of Anderson county, during the session of said court, in open court, did fraudulently, corruptly and unlawfully connive at the fraudulent and corrupt action of one Thomas D. Evans, the then district attorney of said Tenth Judicial District, in this: There was, at said term of said court, pending a case wherein the State of Texas was plaintiff, and John Fulbright, Daniel Waggoner, Robert Porter, Jesse R. Porter, Robert Petty, Henry Fields, *et al.*, were defendants, wherein judgment *nisi* had been rendered on a forfeited bail bond for \$7000; that the said Thomas D. Evans compromised with the said Robert Petty for the sum of seventy-five dollars in gold, and agreed to dismiss said case as to said Petty; that said Scott, conniving at the fraudulent act of the said Evans, did, in open court, corruptly dismiss said case as to said Petty, and cause the order of dismissal to be entered on the minutes of the court, well knowing at the time that the action of said Evans had been and was fraudulent and corrupt; and

further, that during the said term of said court the said John G. Scott, still conniving at the fraudulent and corrupt action of the said Thomas D. Evans, district attorney as aforesaid, did corruptly carry out and execute, by the judgment of said court, the fraudulent and corrupt compromise of the said Thomas D. Evans with the other of said defendants, viz., Daniel Waggoner, Robert Parks, Jesse R. Parker, C. L. Thompson and Henry Field, to take a judgment against C. L. Thompson and Daniel Waggoner for \$75 each, gold, and against R. C. Parker and Henry Field for \$100, cash gold, in satisfaction of said bond and *nisi* judgment for \$7000; and did then and there effectuate said fraudulent and corrupt compromise by entering up the judgment of said court for the sums aforesaid, well knowing at the time that said compromise had been made by said Evans out of court, and that the same was unlawfully fraudulent and corrupt; and further, that said John G. Scott did fraudulently and corruptly permit execution to issue on said judgment during term time, against the said Henry Fields, who afterwards and during the term, being in open court, was accosted from the bench by the said Scott while sitting as judge, and was then and there unlawfully, fraudulently and corruptly ordered by the said Scott to pay to the said Evans the said \$100, gold, during that day, or in default thereof that he, the said Fields, should be incarcerated in the county jail of Anderson county; and did, in truth and in fact, by said order, fraudulently and corruptly compel the said Field to pay to said Evans the said sum of \$100, gold, on the said day; and further, that thereafter an application, made to E. J. Davis, Governor of the State of Texas, for a remission of said judgment in behalf of said defendant, a remission was granted, and directions given in the said Governor's proclamation of remission, that all persons and officers of the District Court of Anderson county should refund to said defendants all moneys paid, and deliver up all notes given by said defendant to said Evans because or on account of said bond or judgments *nisi* or final, nevertheless the said J. G. Scott unlawfully and corruptly refused to permit said proclamation of said Governor to be spread upon the minutes of the court, and did corruptly refuse to order or require the said Evans to refund the money paid to him by said defendants, or any of them, or

to deliver up the notes that said Evans had received from them, said defendants, or any of them, but did fraudulently and corruptly permit and connive at the said Evans's retention of said money and notes in his possession.

Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District in the State of Texas, did, in his capacity as judge as aforesaid, commit, and was guilty, of a high misdemeanor in office, and did render himself no longer fit to exercise the duties of a judge of the district court in the State of Texas.

#### ARTICLE VII.

That the said John G. Scott, Judge of the Tenth Judicial District in the State of Texas, at the April term of the District Court of Anderson county, in the year of our Lord one thousand eight hundred and seventy-two, did in open court maliciously, oppressively, unlawfully, and for corrupt purposes, require excessive bail of one W. H. McClellan, who was indicted by the grand jury of said county two hundred and ten times, for misdemeanor, at said term of said court, and by reason of such requirement, in effect and to every legal intent and purpose, refuse bail to said McClellan in criminal cases when bail was allowable under the law, and did then and there keep the said McClellan confined in jail for the space of ten days after such refusal to grant bail, all of which was contrary to law, and in violation of the Constitution and laws of the State of Texas.

Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in the manner and form, and in the year aforesaid, did commit and was guilty of a high misdemeanor in office, and did thereby render himself no longer fit to exercise the duties of a district judge under the laws and Constitution of the State of Texas.

#### ARTICLE VIII.

That the said John G. Scott, Judge of the Tenth Judi-

cial District in the State of Texas, did, in the county of Anderson and State of Texas, on or about the ——— day of April, in the year of our Lord one thousand eight hundred and seventy-two, with force and arms, without legal authority or process of law, feloniously, corruptly and maliciously, make an assault upon one Samuel A. Wilson, a citizen of the county of Cherokee, in the State of Texas, and him, the said Wilson, did then and there falsely imprison and restrain of his personal liberty for the space of one hour, contrary to the statute in such cases made and provided, and against the peace and dignity of the State of Texas.

Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in the manner and form, and in the year aforesaid, did commit, and was guilty of a high misdemeanor in office, and did thereby render himself no longer fit to exercise the duties of a district judge under the Constitution and laws of the State of Texas.

#### ARTICLE IX.

That the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, has been guilty of oppression and tyranny on the bench when sitting as a court, viz. :

1. In fining and ordering to jail one P. T. Tannehill, Esqr., at the ——— term of the District Court of Henderson county.

2. In fining Judge Sam. A. Wilson, and ordering him to jail at the August term, in the year of our Lord one thousand eight hundred and seventy-two, of the District Court of Anderson county.

3. In requiring of W. H. McClellan five hundred dollars bail in each of two hundred and ten misdemeanor cases pending at one and the same time in Anderson county, State of Texas.

4. In banishing W. H. McClellan from the county of Anderson, in the State of Texas, where his home was, at the August term, in the year of our Lord one thousand eight hundred and seventy-two, of the District Court of Anderson county, in the State of Texas.

5. In banishing one A. Towles from the county of Anderson, in the State of Texas, at the December term, in the year of our Lord one thousand eight hundred and seventy-two, of the District Court of said Anderson county, in the State of Texas.

6. In ordering Henry Fields to pay to district attorney Thos. D. Evans the sum of one hundred and seven and fifty one-hundredth dollars on a judgment in a civil case, viz., *The State v. Fulbright et al.*, or go to jail within one hour in default of payment.

Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, in his capacity as District Judge of the Tenth Judicial District, in the State of Texas, did commit and was guilty of a high crime and misdemeanor in office, and thereby did render himself no longer fit to exercise the duties of a district judge under the Constitution and laws of the State of Texas.

#### ARTICLE X.

That the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, did, on or about the twenty-ninth day of April, in the year of our Lord one thousand eight hundred and seventy-one, in the county of Anderson, in the State of Texas, make an affidavit in writing, before one Thomas D. Evans, District Attorney of said Tenth Judicial District, charging that "John G. Kirksey, in the county and State aforesaid (Anderson county, Texas) did unlawfully and willfully abuse him, the said John G. Scott;" and further, "that he (the said John G. Scott) is in great bodily fear of his person and life from the hands of him, the said John G. Kirksey;" that thereafter, on the same day, the said Kirksey was arrested and brought before the said John G. Scott, judge as aforesaid, for trial on said charge, when and where the said Scott unlawfully, corruptly and maliciously sat as judge in said case, when five justices of the peace were in said county, and on duty, having been duly elected and qualified; and one of them, Wm. T. Smith, was justice of the peace in and for precinct number one where said affidavit was made—each and all of whom, but particularly said Smith, had jurisdiction to try and order the law in said case; to try the said Kirksey, and did then

and there unlawfully, maliciously and corruptly rule and order that the said Kirksey should instantly give a peace bond in the excessive sum of fifteen thousand dollars to keep the peace toward him, the said Scott, or in default of such bond being executed within fifteen minutes he the said Scott, maliciously ordered that the said Kirksey should be incarcerated in the common jail of Anderson county; all of which actings, and doings, and rulings, and orders of said Scott were malicious, unlawful and corrupt, contrary to law and in violation of the Constitution of the State of Texas.

Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, did, in his capacity as judge aforesaid, commit and was guilty of a high misdemeanor in office, and did render himself no longer fit to exercise the duties of a judge of the district court in the State of Texas.

The President then informed the managers that the Senate would take proper order on the subject of the said impeachment, of which due notice would be given to the House of Representatives.

The court retired to its retiring room for consultation, and having returned to the chamber, made the following order:

*Ordered*, That the secretary be directed to issue a summons in the usual form to John G. Scott, Judge of the Tenth Judicial District of the State of Texas, to answer certain articles of impeachment exhibited against him by the House of Representatives on this day, and that the said summons be returnable here on Wednesday, the twenty-third day of April, at 12 o'clock M., and be served by the sergeant-at-arms, or some person deputed by him; also, that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, be furnished with a certified copy of the articles exhibited against him.

*Ordered*, That the secretary of the Senate inform the House of Representatives of this action of the court.

On motion of Senator Fountain, the court then adjourned until Wednesday next, April 23, at 12 o'clock M.

In the Senate,

On motion of Senator Fountain, the secretary of the Senate was instructed to inform the House of the action of the court.

Senator Sayers offered the following resolution :

*Resolved*, That one hundred copies of the articles of impeachment against Judge Scott be printed for the use of the Senate.

Senator Ford moved to amend the resolution by inserting "and the defendant's answer, when it shall have been filed." Amendment accepted and the resolution adopted.

By leave, Senator Cole, chairman of the Committee on Private Land Claims, submitted the following report :

*Hon. E. B. Pickett, President of the Senate :*

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 364, to be entitled "An act to validate the quadruplicate certificate for one league and one labor of land, issued April 4, 1872, to the heirs of Naham Mixon, deceased," having carefully considered the same, instruct me to report the same back and recommend its passage.

D. W. COLE, Chairman.

On motion of Senator Dohoney, the Senate adjourned to 10 o'clock A. M. Monday.

SENATE CHAMBER,  
AUSTIN, TEXAS, April 21, 1873.

Senate met pursuant to adjournment. Roll called : quorum present. Prayer by the Rev. Mr. Lovejoy.

On motion of Senator Hall, the reading of the journal of Saturday was dispensed with.

On motion of Senator Ball, Senator Finlay was granted leave of absence for three days from to-day.

A message was received from the House informing the Senate that the House had passed House bill No. 236, "An act to repeal an act entitled an act to establish a State police and provide for the regulation and government of the same, approved July 1, 1870 ; also to repeal an act entitled an act to establish a State police, and provide for the regulation of the same, approved May 2, 1871," notwithstanding the Governor's objection.

Senator Cole, chairman of the Committee on Private Land Claims, submitted the following reports :